FARAD CONTINUATION SHEET NO.:

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
CIVIL APPLICATION F.NO.332 OF 2006 IN
FIRST APPEAL NO.767 OF 1988

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr R.S.Apte with Mr A Gole, for the applicant.
Mr J.P.Sen i/b M/s Bilawala & Co for R.No.24.
Mr A.C.Ghone, representative of Court Receiver present.

CORAM: SMT.RANJANA DESAI & D.B.BHOSALE,JJ.
DATED: 02.02.2006

P.C.:

Heard the learned counsel for the parties and the representative of the Court Receiver.

In this civil application, the applicant has prayed that leave be granted to file a suit against the Court Receiver with respect to part of the suit property which is in the hands of the Court Receiver, i.e. the respondent appointed by this Court. The learned counsel for respondent no.24 states that since the execution proceedings are pending the applicant has another remedy under Order XXI Rule 97 to

101 to obstruct the execution of the decree. He states that this objection will be raised by respondent no.24 in the suit. In view of this statement, Mr Apte, learned counsel for the applicant, seeks permission to withdraw this civil application at this stage with liberty to approach this Court for leave in case the suit is finally held to be maintainable. The civil application is allowed to be withdrawn with liberty as prayed.

(D.B.BHOSALE,J.) (SMT.RANJANA DESAI,J.)